

Notice of Allowability

Application No.

10/607,716

Examiner

Zachary C. Tucker

Applicant(s)

TUNG ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 August 2007.
2. ☒ The allowed claim(s) is/are 1, 3-34, 36-39 and 41-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Response to Amendment

As requested in the correspondence from applicants filed 27 August 2007 (hereinafter "present amendment"), which is in response to the Office action mailed 27 February 2007 (hereinafter "previous Office action"), claims 1, 3, 9, 10, 24, 29, 32-34, 36, 38, 39 and 41 have been amended, claims 2, 35 and 40 have been cancelled and new claim 44 has been added.

***Requirement for Restriction
~and~
Election of Species***

The present amendment has placed the claims of the elected Group I in condition for allowance. Thus, the claims of nonelected Group II, which have been amended following the examiner's suggestions, are hereby rejoined. The Requirement for Restriction as set forth in the Office action mailed 9 August 2006 is hereby WITHDRAWN.

Also, claims 9-31, which formerly did not read on applicants election of species but now which have been amended consistent with the election of species, are rejoined.

Status of Double Patenting Rejections

In the previous Office action, claims 1-8, 32 and 43 were rejected as being unpatentable over claims 1-26 of U.S. Patent No. 6,250,380, In view of the present amendment, the rejection is hereby withdrawn. Compounds of the present claims no longer are embraced by the claims of the patent.

In the previous Office action, claims 1 and 43 were rejected as being unpatentable over claims 1-20 of U.S. Patent No. 6,617,309. In view of the present amendment, the rejection is hereby withdrawn. Compounds of the present claims no longer are embraced by the claims of the patent.

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Status of Claim Rejections - 35 USC § 102

In the previous Office action, claims 1, 32 and 43 were rejected under 35 U.S.C. 102(b) as being anticipated by Lehmann et al, *Helvetica Chimica Acta*, vol. 33, pages 1217-1226 (1950).

In view of the present amendment, which has limited A¹ to only the pyrrolidine-containing moiety instead of the acyclic carboxamide moiety, the rejection is hereby withdrawn.

Allowable Subject Matter

Claims 1, 3-34, 36-39 and 41-44 are allowed.

All previously stated claim rejections have been overcome by the present amendment.

Reasons for allowance were provided in the previous Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

All Post-Allowance Correspondence concerning this application must be mailed to:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or you can fax them to the Office of Patent Publications at 703-872-9306, in order to expedite the handling of such correspondence as amendments under 37 CFR 1.312;

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information disclosure statements, and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at (703) 305-8027. The Notice of Allowance also has an insert containing contact information on other items, including Issue Fees, receipt of formal drawings and the status of the application.

A handwritten signature in black ink, appearing to read 'Z. C. Tucker', with a long horizontal flourish extending to the right.

ZACHARY C. TUCKER
PRIMARY EXAMINER